



IN THE PATENT AND TRADEMARK OFFICE

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42104

In re patent application of:

) Group Art Unit: 2143

) Examiner: Jaroenchonwanit

For: Method and System for  
Cooperatively Backing Up  
Data On Computers In A  
Network

Application Number:  
09/668,643

) Attorney Docket:  
200301736-2

Application Filing Date:  
09/22/2000

) Palo Alto, CA  
March 4, 2004

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APR 19 2004

Technology Center 2100

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated March 4, 2004, the following remark is submitted.

The aforementioned Official Action asserts that the present application contains a claim that is generic to a plurality of disclosed patentability distinct species comprising: I. a method for negotiation to establishing back up partners in accordance with the agreement or contract such as bandwidth, storage space, periodic updating data, location of partner, including renegotiation as cited in claims 2-4, 14-27, 29 and 43-47; II. Claims, 5-13, 28, and 30-42 are specifically related to an employment of a number of mechanisms and algorithms, e.g., data compression, encoding and encryption, for enhancing data integrity to backup or restore data, sequentially.

A restriction requirement has been imposed requiring an election of a single disclosed species.

In response to that restriction requirement, Applicant hereby elect, with traverse, Group I, directed to claims 1-4, 14-27, 29 and 43-47.

Should the examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this response to deposit account no. 08-2025.



Dated: April 7, 2004

Respectfully submitted,

Andrew David Birrell et al.

*Richard P. Lange*

Richard P. Lange

Reg. No. 27,296

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IP Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400  
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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Andrew David Birrell, et al

Confirmation No.:

Application No.: 09/668643

Examiner: Jaroenchonwanit

Filing Date: Sep 22, 2000

Group Art Unit: 2143

Title: METHOD AND SYSTEM FOR COOPERATIVELY BACKING UP DATA ON COMPUTERS IN A NETWORK

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT Technology Center 2100

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment (X) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
( ) No additional fee (Address envelope to "Mail Stop Non-Fee Amendment")  
( ) Other: (fee \$ )

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	24	MINUS	48	= 0	X \$18	\$ 0
INDEP. CLAIMS	2	MINUS	3	= 0	X \$86	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 110
	X					
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 110

Charge \$ 110 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: 4/7/04

Typed Name: Tiffany Turner

Signature:

Respectfully submitted,

Andrew David Birrell, et al

By

Richard P. Lange

Attorney/Agent for Applicant(s)  
Reg. No. 27296

Date: 4/7/04